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SUMMARY RECORD OF THE 67th MEETING

Chairman: Mr. STEIN (Germany)
(Vice-Chairman)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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ORGANIZATION OF WORK

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In the absence of Mr. Senqwe (Zimbabwe), Mr. Stein (Germany), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 140: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACEKEEPING OPERATIONS (continued) (A/51/890 and A/51/906 and Corr.1)

(a) FINANCING OF THE UNITED NATIONS PEACEKEEPING OPERATIONS (continued)

1. Ms. REKKERS (Netherlands), speaking on behalf of the European Union and also Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, reiterated the Union's concern at the late issuance of the report of the Secretary-General (A/51/890) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/51/906 and Corr.1). The resolution on the item should contain a specific reminder that the next annual report on the support account should be made available at the start of the Committee's May session. It was also regrettable that the report was not accompanied by the performance report, requested in paragraph 6 of General Assembly resolution 50/221 B and did not fully comply with the request contained in paragraph 8 of that resolution. The European Union would welcome an explanation of why the Secretary-General had not provided the performance report.

2. She regretted, finally, that the report did not contain the concept and cost estimate for the management of United Nations peacekeeping assets and for the maintenance of a United Nations logistics base. The separate report on asset management and the logistics base in Brindisi, which was expected to be issued shortly, should be included in the next annual support account budget proposal. In many ways, the approach to the presentation of the support account invited poor decision-making.

3. While the regular budget should cover core backstopping functions, the mechanism of the support account should enable the Organization to finance the non-core needs for backstopping of peacekeeping operations at any given moment. In that connection, the European Union wondered why the Secretary-General had not repeated the request made the previous year to transfer 26 posts from the support account to the regular budget. That omission strengthened the impression that the Secretary-General was reducing the requirements under the regular budget by increasing those under the support account; such an approach could be accepted only if the requirements for core backstopping functions were decreasing and the current report provided no justification for that conclusion.

4. The European Union concurred with the Advisory Committee's conclusion that the overall backstopping costs were higher than the Secretary-General's estimate of $50 million, which did not include all regular budget resources of the Department of Peacekeeping Operations and the non-post resource requirements for gratis personnel. If those costs were included, the estimate would total approximately $70 million. A proposal based on the principle of full-cost budgeting was therefore urgently required.

5. With regard to the staffing levels requested by the Secretary-General based on a projected increase in the volume and complexity of the work of the Department of Peacekeeping Operations and the Department of Administration and Management, the European Union believed that the anticipated workload was not fully justified and shared the Advisory Committee's view that a meaningful workload analysis was required. It also supported the Advisory Committee's comments (A/51/906, para. 12) on the implementation of the finance module of the Integrated Management Information System. The European Union's reservations were not limited to the proposed increase in posts but also called into question the maintenance of current staffing levels.

6. With regard to funding, the European Union supported a needs-driven funding mechanism; in order to be properly applied needs must be quantified in an acceptable manner. Since the Secretary-General's report had not done so the Union shared the Advisory Committee's reservations in that regard.

7. The European Union was not prepared to amend "de facto" the procedures which had been adopted the previous year with regard to the budgeting and financing mechanisms for the support account. However, since, in its regular budget procedures, the General Assembly decided on an a priori outline in non-budget years, a similar concept could be applied to the support account. The Union therefore proposed that the 1998-1999 support account level should be determined in advance. As it accepted the notion that the level of the support account should be related to the number of peacekeeping operations, and as nearly half the missions currently being serviced were in liquidation, it would seem logical to reduce the level of backstopping requirements.

8. Member States should instruct the Office of Internal Oversight Services or the Advisory Committee to carry out an in-depth analysis of the workload data of posts and functions funded through the support account in preparation for the following year's debate. Such an analysis should include a clear definition of support for planning, managing and liquidating operations as well as for the clearing of the existing backlog and should be completed in time to allow the General Assembly to take the results of the study into account.

AGENDA ITEM 137: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/51/7/Add.5, A/51/7/Add.7, A/51/824; A/C.5/51/30 and Add.1)

AGENDA ITEM 139: FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994 (continued) (A/51/7/Add.5 and A/51/7/Add.8, A/51/789; A/C.5/51/29 and Corr.1 and Add.1, A/C.5/51/51)

9. Mr. HALBWACHS (Controller), introducing the report of the Secretary-General on the financing of the International Tribunal for the Former Yugoslavia (A/C.5/51/30/Add.1), said that the resources requested for the period from 1 January to 31 December 1997 amounted to $49,983,100 net, reflecting a net

increase of $14,552,500 and an additional 50 posts over the 1996 appropriation and authorized staffing level. Tables 1 to 3 contained summaries of requirements by organ, by object of expenditure and by temporary posts for 1997, respectively, while paragraphs 9 to 16 reported on recent developments and on the work of the International Tribunal.

10. The report contained several annexes which dealt with the status of voluntary contributions, the organizational charts for the various organs of the Tribunal, the table of new temporary and reclassified posts, space allocation between the Tribunal and the Organization for the Prohibition of Chemical Weapons, and the status of the implementation of the recommendations of the Advisory Committee.

11. Introducing the report of the Secretary-General on the financing of the International Criminal Tribunal for Rwanda (A/C.5/51/29/Add.1), which took into consideration the views of the Office of Internal Oversight Services, he said that the revised level of resources requested for the period from 1 January to 31 December 1997 amounted to $41,366,600 net and reflected a net increase of $4,871,900 and an additional 56 posts over the 1996 appropriation and authorized staffing level.

12. The tables contained in the report provided summaries of the Tribunal's requirements under various heads. The revised resource requirements of the Office of the Prosecutor were given in paragraph 29. Based on an estimate of up to six trials annually, it was proposed to augment the current 16 posts of the Prosecution Section with five new posts. A newly constituted Legal Advisory Group was proposed in Kigali comprising three new posts. In addition, resources in the amount of $150,000 were requested to provide for testimony by expert witnesses in the areas of forensic science and cartography and for the development of the information and records systems.

13. He drew attention to the resource requirements of the Registry for 1997, which were given in paragraph 48, and to the proposals regarding the Budget and Finance Section and the Personnel Section, which were outlined in paragraphs 54 and 55. As noted in paragraph 58, the Language and Conference Services section had been consolidated into a single support service under the Administrative Services Division of the Registry and was proposed to augment the current staffing complement by 17 new Local level interpreters in the light of the need for such interpreters to accompany the investigators on fieldwork in Kigali.

14. Given the need to strengthen the security services noted in paragraph 59, the staffing of the Security and Safety Section in Arusha would therefore consist of 42 posts, including 1 new international Security Service post, while the current total staffing of the Kigali Administrative Services Section (53 posts) would be augmented by 11 new posts in the areas of finance and security and safety.

15. Under the heading of other staff costs, resources in the amount of $2,063,000 would provide for overtime and for general temporary assistance. Resources in the amount of $800,000 were requested for travel of the Registrar and other staff of the Registry, travel of the defence counsel and the travel of witnesses for both the Prosecution and the Defence. With regard to general

operating expenses, resources in the amount of $711,300 would provide for the rental of premises and a new provision of $100,000 was requested under miscellaneous maintenance services to cover the cost of general maintenance of the facilities at Arusha and Kigali. Finally, resources in the amount of $1,770,900 were requested to provide for office furniture and equipment.

16. Despite its considerable administrative difficulties, the Tribunal had enjoyed some measure of success. To date, 11 accused were in custody and three trials were under way. A focal point had been established within the Department of Administration and Management to provide assistance from Headquarters for all Tribunal operations.

17. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the reports of the Advisory Committee (A/51/7/Add.7 and 8), said that the revised estimates for 1997 for the two Tribunals amounted to $91,349,700 to be assessed and $4,757,500 from extrabudgetary sources. A total of 825 posts had been requested under the assessed budget, representing an increase of 106 new posts. In addition, 34 posts would be funded from extrabudgetary resources. A total of 85 loaned personnel were available for various tasks.

18. The examination of the estimates by the Advisory Committee had been affected by the late submission of the reports of the Secretary-General, the absence of performance reports and the lack of a clear explanation or justification of the estimates. The Committee had requested that the format of the reports should be improved. It had examined the revised estimates in the light of the two reports submitted by the Office of Internal Oversight Services (OIOS) and had noted that, whereas the mandate from the General Assembly was identical, the OIOS reports differed in both approach and content.

19. Information on the progress on the implementation of the OIOS recommendations for the Rwanda Tribunal had been included in the report. The situation was not very clear concerning the recommendations of OIOS on the Tribunal for the former Yugoslavia. The Secretariat should have used the procedure in General Assembly resolution 48/218 B to comment on each of the recommendations in order to avoid what appeared to be a potential for contradiction and confusion regarding two sets of budgetary recommendations before the General Assembly - one set from OIOS and the other from the Secretary-General, who had not indicated how he had taken the OIOS budgetary recommendations into account.

20. The Advisory Committee had reiterated its view that, in allocating the limited resources available, priority should be given to the investigation and prosecution activities of the two Tribunals. It had noted that, for a number of reasons, the two Tribunals had not managed to spend the total amounts appropriated by the General Assembly. Under-expenditure had occurred, particularly in regard to personnel costs, because of the persistent vacancy situation. In its recommendation for new posts, the Committee had taken account of the vacancies that existed but had indicated in a number of cases that the Secretary-General could resubmit his request for additional posts in the context of the proposals for 1998.

21. The increased level of prosecution by the two Tribunals had led to a reorganization of the Office of the Prosecutor and to the setting up of a number of organizational units as indicated in the reports of the Secretary-General. The Advisory Committee wished to caution that excessive bureaucracy should be avoided. Thus the Committee had requested that the staffing and role of the External Relations Section of the Office of the Prosecutor for the Yugoslavia Tribunal and staff resources for the strategy teams should be reviewed.

22. The Advisory Committee also believed that additional space should be made available as soon as possible for the two Tribunals. It was improper to delay the prosecution of individuals held in detention simply because space was not available. However, the Committee had requested that the observations of OIOS regarding a second court room for the Yugoslavia Tribunal should be taken into account.

23. The Committee had made a number of observations regarding operational expenditure. In a number of instances, it had recommended less than requested. For example, it had not recommended acceptance of the request for $370,000 to install two satellite earth stations for the Yugoslavia Tribunal since there was no reason to dismantle existing facilities simply because they belonged to the Department of Peacekeeping Operations. Minor downward adjustments had been made to requests for items such as travel, furniture and equipment for both Tribunals.

24. The Committee welcomed the information in both reports of the Secretary-General on the implementation of the recommendations of the Advisory Committee as approved by the General Assembly. It had requested that the Rwanda Tribunal should take advantage of the experience of the Yugoslavia Tribunal in that regard.

25. The Committee had commented on the issue of the conditions of service of the Judges of the two Tribunals. It had requested that those comments should be taken into account when the Secretary-General submitted his next estimates. The question of the conditions of service of the staff was under consideration in the case of the Rwanda Tribunal, particularly in the light of the comments in the reports of OIOS. The Advisory Committee believed that it would be appropriate to request the International Civil Service Commission to review the matter.

26. The Advisory Committee recommended that, in the case of the Yugoslavia Tribunal, the revised estimates for 1997 should be set at $48,587,200 net and that, of the 50 new posts requested, a total of 24 should be approved. In that connection, the word "additional" in the fourth and sixth lines of the English version of paragraph 43 of the Committee's report should read "total". Referring to paragraph 23 of the Committee's report on the Rwanda Tribunal in respect of the recommendation not to approve general temporary assistance for security, the related reduction of $1,119,900 net had inadvertently been omitted; a corrigendum would be issued. The current revised estimate recommended by the Advisory Committee was $39,574,800 net. The gross figure would also have to be revised. Those errors were attributable to the haste with which the report had been prepared, which was itself the result of the late submission of the Secretary-General's report. Finally of the 56 new posts

requested by the Secretary-General, a total of 35 had been approved. The amount reduced was small, the reason being that each new post requested by the Secretary-General had been costed at 25 per cent of the standard annual cost.

ORGANIZATION OF WORK

27. Mr. HALBWACHS (Controller), replying to a question from Ms. SHENWICK (United States of America), said that publication of the report on the pensions of judges in the International Court of Justice was expected during the fifty-third session of the General Assembly.

28. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), replying to a question from Ms. SHENWICK (United States of America), said that as the Advisory Committee had tried to give priority to the consideration of active peacekeeping missions, the report on the United Nations Operation in Mozambique (ONUMOZ) would probably be issued in the autumn.

29. Ms. SHENWICK (United States of America) said that since the report in question was quite straightforward, she trusted that the Advisory Committee would take the matter up during the next two days.

30. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that there was a limit to what the Advisory Committee could do. If the Fifth Committee wished to take up the item without the benefit of the Advisory Committee's opinion, that was its prerogative.

31. Ms. ARCHINI (Italy) said that information contained in the forthcoming report on the financing of the United Nations logistics base in Brindisi might contribute to a fuller understanding of all the elements involved.

32. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the report on the logistics base in Brindisi was indeed due to be considered by the Advisory Committee, but it had to be taken up jointly with the report on asset management, which had still not been received from the Secretariat.

33. Ms. SHENWICK (United States of America) said that her delegation failed to understand the reason for the delay in the submission of the Advisory Committee's report on the United Nations Operation in Mozambique (ONUMOZ).

34. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that he would review the matter of the ONUMOZ report before responding definitively to that question.

35. Mr. HALBWACHS (Controller), replying to a question from Ms. SHENWICK (United States of America), said that the report on the premises of the International Court of Justice would be ready in two to three weeks.

36. Ms. SHENWICK (United States of America) said that, in the light of that information, she assumed that the Secretary-General had not yet reached any final agreement with the Carnegie Foundation on the matter of the premises of

the International Court of Justice. The Secretariat should provide updated information on the status of that agreement.

37. Mr. HALBWACHS (Controller) said that the agreement referred to by the representative of the United States of America was between the Carnegie Foundation and the General Assembly, not the Secretary-General.

The meeting rose at 11.30 a.m.